



RULES AND OPEN GOVERNMENT COMMITTEE

Meeting Report
December 3, 2008

PRESENT: Mayor Reed, Council Members Constant and Nguyen.

ABSENT: Vice Mayor Cortese, Council Member Chirco. (Excused)

STAFF: City Attorney Richard Doyle, City Clerk Lee Price, City Manager Debra Figone, Redevelopment Agency Assistant Director Gary Miskimon, Deputy City Manager Deanna Santana, Council Agenda Manager Alicia Bosco and Legislative Secretary Ruth Krantz.

A. City Council

1. Review of December 9, 2008 Final Agenda.

Action: The Committee approved the December 9, 2008 City Council Final Agenda with the following change:

- Item 2.16 (Juvenile Accountability Block Grant) to be added to the Agenda.
- Item 7.1 (San Pedro Square Urban Market business terms) to be heard following Item 8.2.
- Item 8.1 (Public Hearing and Joint Council RDA to be heard following Orders of the Day).
- Item 8.2 (approval of Agency's Amended Capital Budget & 2009-2013 CIP) to be heard following Orders of the Day.
- Item 4.5 (Appeal of San José Medical Center FEIR Certification) to be deferred to 1/13/2009.
- Item 9.1 (North San José Area Development Policy) to be deferred to 12/16/2008.
- Item 11.3 (Rezoning real property located between Charcot and Junction Avenue) was added from 12/2/08 meeting.

Public Comment: Gary Schoennauer, representing the applicant, spoke in opposition to deferral of Item 4.5, the San José Hospital Site EIR appeals hearing.

A. City Council (continued)

2. Review of December 16, 2008 Draft Agenda.

Action: The Committee approved the December 16, 2008 City Council Draft Agenda with the following change:

- Item 8.1 (Independent Police Auditor's 2008 Mid-Year Report) to be heard at 2 p.m.
- Item 11.2 (Evergreen-East Hills Development Policy) to be heard first in the evening.
- Commendation to Seven Trees Coalition to be heard in the evening. (Nguyen)
- Excused Absence for Councilmember Chirco - December 3, 2008 Rules.
- Approval of Councilmember Liccardo's Travel May 4-7, 2009.

B. Redevelopment Agency

1. Review of December 9, 2008 Final Agenda.

Action: The Committee approved the December 9, 2008 Redevelopment Agency Agenda.

2. Review of December 16, 2008 Draft Agenda.

Action: The Committee approved the December 16, 2008 Draft Redevelopment Agency Agenda, with Item 8.1 (Adoption of resolutions pertaining to Capital Budget & Five-Year Capital Improvement Program) to be heard at 10:30 a.m.

C. Legislative Update

1. State

Intergovernmental Relations Director Betsy Shotwell provided the FY 2008-2009 State Budget Update.

2. Federal

Intergovernmental Relations Director Betsy Shotwell reported briefly on the Federal Economic Stimulus Proposals.

D. Meeting Schedules

There were none.

E. The Public Record

Documents Filed: Memorandum from City Clerk Lee Price, dated November 25, 2008, transmitting items for the Public Record for the period of November 14-24, 2008.

Vice Mayor Cortese pulled Item (L) for discussion.

Public Comment: Jim Fox (Saratoga Capital, Inc.) urged a waiver of the liquidated damages claim assessed against Pacific Coast Fire.

Action: The Committee noted and filed the Public Record with the exception of Item (L), which was referred to the City Attorney.

F. Appointments to Board, Commissions and Committee

- 1. Approve appointment of Vincent Edward Cantore, Gloria Jabaut and Charlotte Louise Pizzo to the Housing and Community Development Commission.**

Documents Filed: Memorandum from Councilmember Nguyen, dated November 19, 2008 recommending appointment of Vincent Edward Cantore, Gloria Jabaut and Charlotte Louise Pizzo to the Housing and Community Development Commission.

Action: City Clerk Lee Price reported that Charlotte Pizzo, is not at this time qualified for the seat, because representation from Districts 3, 5 and 7 is limited. She proposed that Ms. Pizzo's application be held in active status and additional outreach conducted to fill the vacancy. The Committee approved the remaining appointments to two terms ending December 31, 2011 and referred them to the December 9, 2008 Council agenda.

- 2. Approve reappointment of Paula Merola and appointment of Mike Graves to two terms ending December 31, 2011 to the Mobile Home Advisory Commission**

Documents Filed: Memorandum from Councilmember Nguyen, dated November 19, 2008 recommending reappointment of Paula Merola and appointment of Mike Graves to the Mobile Home Advisory Commission.

Action: The Committee approved the appointments to the Mobile Home Advisory Commission and referred them to the December 9, 2008 Council agenda.

- 3. Approve appointment of Mary EgondU Uzoh to the Small Business Development Commission to an unexpired term ending December 31, 2010.**

Documents Filed: Memorandum from Councilmember Nguyen, dated November 19, 2008 recommending appointment of Mary EgondU Uzoh to the Small Business Development Commission.

Action: The Committee approved the appointment to the Small Business Development Commission and referred it to the December 9, 2008 Council agenda.

- 4. Approve appointment of Daniel Ray Newell to an unexpired term ending June 30, 2010, Paiman Komeilizadeh to an unexpired term ending June 30, 2009 and Christine Wright to a term ending June 30, 2011 on the Disability Advisory Committee.**

Documents Filed: Memorandum from Councilmember Pyle, dated November 20, 2008, recommending appointment of Daniel Ray Newell, Paiman Komeilizadeh and Christine Wright to the Disability Advisory Committee.

Action: The Committee approved the appointments to the Disability Advisory Commission and referred them to the December 9, 2008 Council agenda.

5. Approve appointment of Larry Cope to serve on the Work2future Board of Directors.

Documents Filed: Memorandum from Mayor Reed, dated November 21, 2008 recommending appointment of Larry Cope to serve on the Work2future Board of Directors.

Action: The Committee approved the appointment to the Work2future Board of Directors and referred it to the December 9, 2008 Council agenda.

G. Rules Committee Reviews, Recommendations and Approvals

1. Report on Election and interview results and Action on appointment of Retiree Representatives to the Police and Fire and Federated Retirement Boards.

Documents Filed: (1) Memorandum from City Clerk Lee Price, dated November 26, 2008, submitting the Report on Elections and Interviews for the Appointment of a Retiree Representative to the Police and Fire and Federated Retirement Boards. (2) Memorandum from City Attorney Doyle, dated November 25, 2008, submitting a revised application questionnaire for retirement board interviews. (3) Memorandum from Mayor Reed, dated December 5, 2008, approving seven additional questions to be added to the retirement board applicant questionnaire.

City Clerk Lee Price clarified the election protocol followed for retiree representatives. City Attorney Doyle responded to questions from the Committee about the application questionnaire.

Public Comments: Bob Leininger (San José Retired Employee's Association) spoke in support of the appointment of Ed Overton. Bill Pope urged the inclusion of a retiree on the interview panel and expressed a possible conflict of interest in appointing Ed Overton. Jack Solaris (Police and Fire Retirees) and George Beattie (San José Police Officer's Association) urged the Committee to move forward on December 16, 2008 with the appointments.

Mayor Reed indicated that both he and Council Member Constant had additional questions they wish to be added to the questionnaire.

Action: The Committee deferred this item to December 10, 2008.

2. Disability Earnings Ordinance for Public Safety Officers in the City of San José.

Documents Filed: Memorandum from Vice Mayor Cortese, dated November 26, 2008, recommending creation of a disability earnings ordinance.

Public Comments: Bill Hubbard (San José Firefighters 230) and Jeff Ricketts (San José Police Officer's Association) spoke in favor of the disability earnings ordinance.

Action: The Committee referred the matter to the City Attorney with direction to return on January 7, 2009.

H. Review of additions to Council Committee Agenda

- 1. Community and Economic Development Committee**
- 2. Neighborhood Services and Education Committee**
- 3. Transportation and Environment Committee**
- 4. Public Safety, Finance and Strategic Support Committee**

There were none.

I. Open Government Initiatives

- 1. Reed Reforms**
- 2. Sunshine Reform Task Force (SRTF)**
 - Review of SRTF Phase II Report and Recommendations**
 - a. SRTF Phase II Report and Recommendations.**
 - b. Staff's Response to Phase II Report and Recommendations of the SRTF.**
 - c. SRTF Chair's Response to the Staff Report responding to Phase II Report and Recommendations of the SRTF.**
 - d. Confirm direction and approve Workplan responding to the Rules and Open Government Committee's consideration of the Law Enforcement Records recommendation of the SRTF.**
- 3. Significant Public Records Act Requests**
- 4. Council Policy Manual Update**

There were none.

J. Open Forum

None.

K. Adjournment

The meeting was adjourned at 3:29 p.m.



Mayor Chuck Reed
Rules and Open Government Committee